

# United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

E. LOUIS DARDEN,

Plaintiff,

v.

MARIO SINACOLA & SONS  
EXACAVTING, INC.,

Defendant.

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CIVIL ACTION NO. 4:17-CV-00389  
JUDGE MAZZANT/JUDGE JOHNSON

## **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On September 20, 2017, the report of the Magistrate Judge (Dkt. #15) was entered containing proposed findings of fact and recommendations that Defendant Mario Sinacole & Sons Excavating, Inc.'s Partial Motion to Dismiss (Dkt. #4) should be granted in part and denied in part. The Court recommended that Defendant's motion to dismiss Plaintiff's claims for defamation and injunctive relief be granted, and Defendant's motion to dismiss Plaintiff's claim for wrongful termination be denied. *See* Dkt. #15.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court. Therefore, the Court finds Defendant Mario Sinacole & Sons Excavating, Inc.'s Partial Motion to Dismiss (Dkt. #4) is **GRANTED** as to Plaintiff's claims

for defamation and injunctive relief and **DENIED** as to Plaintiff's claim for wrongful termination.

**It is SO ORDERED.**

**SIGNED this 13th day of October, 2017.**

  
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AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE